

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 998 OF 2019

Bramhanand s/o Sangppa Tachale Applicant

Versus

The State of Maharashtra Respondent

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Mr. Abhishek Kulkarni, Advocate for Applicant.

Mr. S.S. Kaushik, APP for the State/Respondent.

Mr. Rajendra Landge, Dy.SP, CID, Pune.

CORAM : SARANG V. KOTWAL, J.

DATE : 28th AUGUST, 2019

P.C. :

1. The applicant is seeking Anticipatory Bail in connection with C.R. No. 89 of 2018 registered at Deccan Police Station, District Pune for offences punishable under Sections 193, 197, 198, 203, 213, 214, 218, 420, 419, 468, 471 read with Section 120-B of I.P.C. The FIR was lodged on 31st May, 2018 by Shri Rajendra Waydande, a Naib Tahisildar working with Pune City Tahasil Office. It is mentioned in the FIR that an examination was conducted for the post of Talathi on 2nd November, 2011 at Garvare Commerce College, Pune. The present applicant was a

candidate appearing for that examination. One Baliram D. Bhatlonde was a dummy candidate. He had appeared in the exam under the dummy name of Brahamanand Sangappa Sangram. This name was fake. This name was assumed to take advantage of similarity between the names so that their numbers were one after the other in the examination hall. The said dummy candidate helped the present applicant in passing that examination. On further enquiries this fraud came to light and then this FIR is lodged.

2. Heard Learned Advocate Shri Abhishek Kulkarni for the applicant and Shri S.S. Kaushik, APP for State/Respondent.

3. Learned Counsel for the applicant submits that the offence is committed in the year 2011 and eight years have passed. He submitted that the investigation is already over and no purpose will be served by custodial interrogation of the applicant. He therefore submitted that the applicant deserves the protection of Anticipatory Bail.

4. Learned APP produced before me the papers of investigation. The investigating agency has interrogated the co-accused Baliram D. Bhatlonde, who had explained the modus operandi. In his statement it is clearly mentioned that at the instance of the present applicant he had appeared for the examination. He marked the correct answers on the question papers and gave it to the present applicant for passing the examination.

5. I have considered all these submissions. The applicant had failed in his earlier three attempts and with the help of the co-accused Baliram D. Bhatlonde he could clear the examination in the year 2011. At this stage, the Investigation can proceed on the basis of statement of Baliram D. Bhatlonde who has not only admitted to his guilt but has also explained the manner in which this offences was committed. The applicant himself had approached him and had made all the arrangements so that this co-accused who appeared for the examination could on the next seat of the applicant. Besides this statement there are Demand Drafts

taken out by the applicant for paying the fees for the examinations. The two Demand Drafts were used for making payment of examination fees for both these candidates i.e. the applicant himself and the dummy candidates. Thus, the complicity of the applicant is clearly made out. The matter is serious. The applicant on basis of these offences had obtained a responsible government job. His custodial interrogation is absolutely necessary to find out further evidence and complicity in these offences. Considering the gravity of the offences, no case for Anticipatory Bail is made out. Anticipatory Bail is rejected.

(SARANG V. KOTWAL, J.)